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In re Application of :
YEE *et al* :
U.S. Application No.: 10/583,965 :
PCT No.: PCT/KR2004/003425 :
Int. Filing Date: 23 December 2004 :
Priority Date: 23 December 2003 :
Attorney's Docket No.: 0630-2784PUS1 :
For: ASPHERICAL MICROLENS ARRAYS :
AND FABRICATION METHOD :
THEREOF AND APPLICATIONS :
USING THE SAME :

DECISION

This is a decision on the request to add an inventors in the above-captioned application pursuant to 37 CFR 1.497(d) filed 25 October 2006.

BACKGROUND

On 21 June 2006, applicants filed papers to enter the national stage of PCT/KR2004/003425 which was accompanied by, *inter alia*, a declaration executed by the sole named inventor.

On 25 October 2006, applicants filed a petition to add three more inventors which included three statements by the inventors being added, the processing fee, an assent of the assignee, and a new executed declaration listing four inventors.

DISCUSSION

Applicants request to add three inventors (Gun-Woo LEE, Ki-Won PARK and Dong-Mug SEONG) as additional inventors in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and any inventor being removed as an inventor that any error in inventorship in the

international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants filed three statements by the inventors being added who all declare that the "inventorship error occurred without deceptive intention on my part." This is sufficient for item (1). The processing fee of \$130.00 has been paid. A written consent of the assignee signed by the CEO and President of the assignee was also provided. The position of CEO and President in an organization is presumed to have the authority to sign for the organization. See § 324 MPEP. The assignment reel and frame number was also provided. Item (3) is satisfied.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) is **GRANTED**.

Gun-Woo LEE, Ki-Won PARK and Dong-Mug SEONG have been added as an inventor in the subject application. The executed declaration filed 25 October 2006 listing four inventors is in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 December 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 25 October 2006.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.


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